

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHADY GABAL

Plaintiff,

-v-

SCOUTSEE INC., DENNIS KWON and
TOM KWON

Defendants.
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18-CV-2236 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff Shady Gabal brings this action seeking compensatory damages, liquidated damages, prejudgment interest, and attorney's fees and costs for violations of the Fair Labor Standards Act (the "FLSA") and New York Labor Law (the "NYLL"), and breach of contract. Defendants Scoutsee Inc. and Tom Kwon¹ defaulted on the issue of liability, (Doc. 23), and on December 19, 2018 I referred the action to Magistrate Judge Ona T. Wang for an inquest on damages and attorney's fees, (Doc. 24).

Before me is Judge Wang's October 25, 2019 Report and Recommendation, (Doc. 32), which recommends awarding Plaintiff: \$18,589.04 in unpaid wages, \$18,589.04 in liquidated damages, \$1,952.28 in breach of contract damages, \$3,607.78 in prejudgment interest plus \$5.06 per day from June 22, 2019 through the date of judgment, and \$5,951.50 in attorney's fees and costs; for a total sum of \$48,689.64 plus the additional prejudgment interest. (Doc. 32 at 5–13.)

A district court "may accept, reject, or modify, in whole or in part, the findings or

¹ Defendant Dennis Kwon separately reached a settlement with Plaintiff, which I approved as fair and reasonable under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (Doc. 22.) Therefore, this Order only applies to Defendants Scoutsee Inc. and Tom Kwon.

recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that “the parties shall have fourteen (14) days to file written objections to this Report and Recommendation,” (Doc. 32, at 13), neither party has filed an objection, sought an extension of time to file an objection, or appeared. I have reviewed Judge Wang’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

Accordingly, Plaintiff is awarded a sum of \$42,738.14 in unpaid wages, liquidated damages, and breach of contract damages, and \$5,951.50 in attorney’s fees and costs for a total sum of \$48,689.64. Additionally, Plaintiff is awarded pre-judgment interest at a rate of \$5.06 per day from June 22, 2019 through the date of judgment in a sum to be calculated by the Clerk of Court. Defendants Tom Kwon and Scoutsee Inc. shall be held jointly and severally liable for these damages.

The Clerk is respectfully directed to enter judgment for the Plaintiff and close this case.

SO ORDERED.

Dated: November 21, 2019
New York, New York


Vernon S. Broderick
United States District Judge